

**PENAL PROTECTION OF THE HUMAN EMBRYO. NEW
CHALLENGES FOR ROMANIA**

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ABSTRACT: *The rapid developments in the last decades in the fields of biology and medicine raise important issues regarding the need to respect the human being both as an individual and in its membership in the human species. Medical acts performed both in research and in terms of curative work must be subordinated to a goal: the need to respect human dignity. In their desire to discover new treatments or just out of curiosity, biology and medicine can become instruments through an improper use, to endanger human dignity. At a global level it has been recognized that progress in biology and medicine should be used for the benefit of present and future generations, with different forms of international cooperation-oriented research and circumscribing the limits of human intervention. These generally accepted limits are guaranteeing human dignity regarded as the supreme social value, as well as the rights and freedoms of the individual.*

The advanced and increasingly accelerated recent scientific progress in biology and medicine - which, almost 40 years ago were considered simple topics of SF novels - have outlined a new area of research, namely sociological and legal Bioethics. Powered by joining two words of Greek origin - bios, life and ethos, ethics - Bioethics term would mean "moral of life".

The field of action of bioethics includes the beginning and end of life issues (abortion, euthanasia, assisted suicide, assisted reproduction), genetic manipulation, prenatal diagnosis, cloning, stem cell therapy, etc.. Bioethics takes a number of elements and principles from biology and medicine, from medical ethics, but also from other disciplines and fields such as philosophy, sociology, psychology, law, and, based on their principles, clarifies decisions and possible technical choices in biology, genetics and medicine.

Technology has created new ethical problems. Artificial insemination, in vitro fertilization, surrogate mother, and transplantation of human cells or tissues, genetic manipulation and cloning are all medical realities. There is no question WHETHER they can be made, but IF they must be made. In this study we take a peek of the historical perspective on the issue of the origin of life - birth / creation of human embryo - in Ancient Greece and Ancient Rome. Then we tackle the issue of the need for legal protection of the human embryo and appropriateness of using specific tools of criminal law

The legal protection of the human embryo is a complex and controversial topic that requires a foray into international documents - especially Oviedo Convention, a comparative analysis of the law of states that have played an important role in shaping the principles of

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modern bioethics - France and Italy - and an analysis of the Romanian law, especially in terms of adoption of the new Penal Code. Far from claiming the exhaustion of topics addressed, this study aims to scientific curiosity of discussing taboo subjects, asks uncomfortable questions and provides legal internal solutions regarding criminal protection of the human embryo.

KEYWORDS: *bioethics, human embryo, social value, life, human dignity, transplant, in vitro fertilization*

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